

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

JERONE MCDOUGALD,	:	Case No. 2:19-cv-257
	:	
Plaintiff,	:	Judge Timothy S. Black
	:	Magistrate Judge Stephanie K. Bowman
vs.	:	
	:	
ANDREW EDDY, <i>et al.</i> ,	:	
	:	
Defendants.	:	

**DECISION AND ENTRY
ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 4)**

This case is before the Court pursuant to the Order of General Reference to United States Magistrate Judge Stephanie K. Bowman. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and, on February 28, 2019, submitted a Report and Recommendation recommending that the Plaintiff's motion for leave to amend be denied. (Doc. 4). Plaintiff Jerome McDougald¹ filed an untimely objection on March 22, 2019. ("Objection") (Doc. 5).

The Objection is not well-taken. Initially, the Objection—which was required to be filed by March 14, 2019, but was not filed until eight days later—is untimely and fails as a matter of law. *See Jones v. Warden, Ross Corr. Inst.*, No. 2:11-cv-0871, 2013 WL 6230365, at *2, 2013 U.S. Dist. LEXIS 169658, at * 4 (S.D. Ohio Dec. 2, 2013) ("failure to file timely objections not only waives the right to de novo review of a Magistrate [Judge]'s Report and Recommendation, but dispenses with the need for the district court

¹ Plaintiff is a prolific prison litigator who has filed 22 cases in the Southern District of Ohio. (See Doc. 4 at 1 n.1)

to conduct any review”).

In any event, the Objection fails on the merits. The Report and Recommendation properly found that (1) Plaintiff is prohibited by 28 U.S.C. § 1915(g) from proceeding *in forma pauperis* because three prior complaints filed by him have been dismissed with prejudice for failure to state a claim and (2) Plaintiff has not met the statutory exception set forth in § 1915(g) by alleging any facts showing that he was in imminent danger at the time of filing this case. The Court finds that the Objection does not identify any error in the Report and Recommendation, but merely disagrees with the Magistrate Judge’s findings. Accordingly, after reviewing the Report and Recommendation and the Objection, the Court concurs with the Magistrate Judge’s conclusion that Plaintiff’s motion to proceed *in forma pauperis* (Doc. 1) should be denied.

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Report and Recommendation should be and is hereby **ADOPTED** in its entirety.

Accordingly, for the reasons stated above:

- 1) Plaintiff’s motion to proceed *in forma pauperis* (Doc. 1) is **DENIED**.
- 2) Plaintiff shall pay the full \$400 fee (\$350 filing fee plus \$50 administrative fee) required to commence this action within thirty (30) days. Failure of Plaintiff to pay the full \$400 fee within thirty (30) days will result in the dismissal of his action. *See In re Alea*, 286 F.3d 378, 382 (6th Cir. 2002).

IT IS SO ORDERED.

Date: 4/22/19

Timothy S. Black
Timothy S. Black
United States District Judge